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28 **Lead Counsel for Plaintiff and the Class**

1 **UNITED STATES DISTRICT COURT**
 2
 3 **NORTHERN DISTRICT OF CALIFORNIA**

4
 5 ADRIAN MONGELI, Individually, And)
 6 On Behalf Of All Others Similarly Situated,))

7) **CASE NO.: 3-06-CV-03936 MJJ**

8) **CLASS ACTION**

9)
 10 Plaintiff,)
 11)

12) **STIPULATION AND [PROPOSED]**
 13) **ORDER SELECTING ADR PROCESS**

14)
 15 vs.)

16) **CASE MANAGEMENT CONFERENCE:**

17)
 18 TERAYON COMMUNICATIONS)
 19 SYSTEMS, INC., ZAKI RAKIB, JERRY)
 20 D. CHASE, MARK A. RICHMAN,)
 21 EDWARD LOPEZ, RAY FRITZ, CAROL)
 22 LUSTENADER, MATTHEW MILLER,)
 23 SHLOMO RAKIB, DOUG SABELLA,)
 24 CHRISTOPHER SCHAEPE, MARK)
 25 SLAVEN, LEWIS SOLOMON, HOWARD)
 26 W. SPEAKS, ARTHUR T. TAYLOR,)
 27 DAVID WOODROW, and ERNST &)
 28 YOUNG, LLP)

19)
 20) **DATE: August 28, 2007**
 21) **TIME: 2:00 P.M.**
 22) **CTRM: 11, 19th Floor, San Francisco**

23)
 24 Defendants.)

1 Counsel report that they have met and conferred regarding ADR and have reached the
 2 following stipulation pursuant to Civil L.R. 16-8 and ADR L.R. 3-5:

3 1. WHEREAS, parties believe that selection of an ADR process is premature until the
 4 resolution of Defendants' Motions to Dismiss;

5 2. WHEREAS, if the Court denies Defendants' Motions to Dismiss in whole or in part,
 6 parties will, within fourteen (14) days, meet and confer and submit a Stipulation and [Proposed]
 7 Order selecting an appropriate ADR process.

8 IT IS SO STIPULATED:

9 Dated: August 7, 2007

Michael D. Braun
 BRAUN LAW GROUP, P.C.

10 By:

11 /S/
 Michael D. Braun
 12400 Wilshire Blvd., Suite 920
 12 Los Angeles, CA 90025

13 **Liaison Counsel for Plaintiff and the Class**

14 Dated: August 7, 2007

Patrick E. Gibbs
 Jennie Foote Feldman
 15 LATHAM & WATKINS LLP

16 By:

17 /S/
 Jennie Foote Feldman
 140 Scott Drive
 18 Menlo Park, CA 94025

19 **Counsel for Defendant Terayon Communications
 Systems, Inc. and Individual Defendants**

20 Dated: August 7, 2007

Sheila A. Jambekar
 21 MORGAN, LEWIS & BOCKIUS LLP

22 By:

23 /S/
 One Market
 Spear Street Tower
 24 San Francisco, CA 94105

25 **Counsel for Defendant Ernst & Young LLP**

26 **[PROPOSED] ORDER**

27 IT IS SO ORDERED:

28 DATED: 8/13, 2007


 HON. MARTIN J. JENKINS
 U. S. DISTRICT COURT JUDGE

PROOF OF SERVICE

4 I am employed in the county of Los Angeles, State of California, I am over the age of 18 and
5 not a party to the within action; my business address is 12400 Wilshire Boulevard, Suite 920, Los
Angeles, CA 90025.

6 On August 7, 2007, using the Northern District of California's Electronic Case Filing
7 System, with the ECF ID registered to Michael D. Braun, I filed and served the document(s)
described as:

STIPULATION AND [PROPOSED] ORDER SELECTING ADR PROCESS

9 The ECF System is designed to automatically generate an e-mail message to all parties in
10 the case, which constitutes service. According to the ECF/PACER system, for this case, the parties
 served are as follows:

11 Lionel Z. Glancy, Esq. info@glancylaw.com
12 Michael M. Goldberg, Esq. info@glancylaw.com
13 Kim E. Miller, Esq. kim.miller@kgscounsel.com
14 Maya Saxena, Esq. msaxena@saxenawhite.com

15 || Counsel for Plaintiffs

16 Patrick Edward Gibbs, Esq. patrick.gibbs@lw.com
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Counsel for Defendant

18 Terayon Communications Systems, Inc. and Individual Defendants

Sheila Anil Jambekar, Esq. sjambekar@morganlewis.com

20

21 John Henry Neumann, Esq.

Michael John Lawson, Esq. michael.lawson@morganlewis.com

Counsel for Defendant Ernst & Young LLP

On August 7, 2007, I served the document(s) described as:

STIPULATION AND [PROPOSED] ORDER SELECTING ADR PROCESS

by placing a true copy(ies) thereof enclosed in a sealed envelope(s) addressed as follows:

1 Lewis Kahn, Esq.
2 KAHN GAUTHIER SWICK, LLC
3 650 Poydras Street, Suite 2150
4 New Orleans, LA 70130
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14 **Adrian G. Mongeli and the Class**

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22 **Counsel for Defendant**
23 **Ernst & Young LLP**

24 I served the above document(s) as follows:

25 BY MAIL. I am familiar with the firm's practice of collection and processing
26 correspondence for mailing. Under that practice it would be deposited with U.S. postal service on
27 that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course
28 of business. I am aware that on motion of the party served, service is presumed invalid if postal
cancellation date or postage meter date is more than one day after date of deposit for mailing in an
affidavit.

I declare, pursuant to Civil L.R. 23-2, that on the date hereof I served a copy of the above-listed document(s) on the Securities Class Action Clearinghouse by electronic mail through the following electronic mail address provided by the Securities Class Action Clearinghouse:

29 **scac@law.stanford.edu**

30 I am employed in the office of a member of the bar of this Court at whose direction the
31 service was made.

32 I declare under penalty of perjury under the laws of the United States that the above is true
33 and correct.

34 Executed on August 7, 2007, at Los Angeles, California 90025.

35 **/S/ LEITZA MOLINAR**
36 Leitza Molinar